

### **REMARKS**

Claims 1, 6, 7 and 14 have been amended. Claim 21 has been added. Claims 2, 4, 5 and 11 were previously canceled. No new matter has been added and entry is respectfully requested. After entry of the above amendments, Claims 1, 3, 6-10 and 12-21 are pending. Claims 15-20 have been withdrawn.

Applicants gratefully acknowledge the courtesies extended by Examiner Johnson and Kelly in granting a personal interview with Applicants representative. The interview was conducted on September 10, 2009. During the interview, the rejections over the Maeda and Ohsawa references were discussed. In particular, Applicants Representative pointed out that, with regard to the rejection over Maeda, that the Office Action has not pointed out how the limitation in Claim 1 that “the content of the recurring unit (1) is 15-70 mol% of the total amount of the recurring units in the resin” is taught or suggested by the Maeda reference. This limitation was previously included in dependent Claim 4 which was not rejected over the Maeda reference in the previous Official Action and was added to Claim 1 in the previously filed amendment. Since a new rejection was made in the final Official Action which was not necessitated by amendment, Applicants Representative requested withdrawal of the finality of the last Official Action. With regard to the rejection over Ohsawa in view of Nozaki, Applicants Representative pointed out that the recitation that the polymer is a “random copolymer” in Claim 1 is not a process limitation but, rather, structurally defines the resin. Applicants Representative, however, agreed to amend Claim 1 to remove the language “polymerized with a living radical polymerization initiator” to clarify that the recitation that the polymer is a

“random copolymer” structurally defines the resin. The use of living anionic copolymerization as taught by Ohsawa would not produce a *random copolymer* as set forth in Claim 1. In particular, as disclosed in Matyjaszewski et al., “Handbook of Radical Polymerization”, pp. 500-501, even for simple copolymer mixtures, well-defined random copolymers cannot be prepared using anionic procedures, including living anionic polymerization (pp. 500-501 of Matyjaszewski et al.).

As set forth above, the rejection of Claim 1 over the Maeda reference in the outstanding final Official Action mailed on May 5, 2009 was a new rejection which was not necessitated by amendment. The withdrawal of the finality of the last Official Action is therefore respectfully requested. See MPEP § 706.07(a).

Claims 1-3, 6-9 and 12-14 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2001/0026901 A1 to Maeda et al. (hereinafter referred to as “Maeda”). This rejection is respectfully traversed.

Claim 1 recites that “the content of the recurring unit (1) is 15-70 mol% of the total amount of the recurring units in the resin.” The Official Action has not pointed out how this limitation is taught or suggested by the Maeda reference. Accordingly, it is respectfully submitted that the Official Action has failed to establish *prima facie* obviousness for the composition of Claim 1. Claims 2, 3, 6-9 and 12-14 depend either directly or indirectly from Claim 1 and are therefore also patentable over Maeda for the reasons set forth above with respect to Claim 1. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Claims 1-14 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,416,928 to Ohsawa et al. (hereinafter referred to as "Ohsawa") in view of U.S. Patent No. 6,416,928 B1 to Nozaki et al. (hereinafter referred to as "Nozaki"). This rejection is respectfully traversed.

Claim 1 has been amended to clarify that the resin is a *random copolymer* of the recurring units which form the resin. It is respectfully submitted that the Official Action has failed to establish *prima facie* obviousness for the resin composition of Claim 1. First, the Official Action has pointed to no teaching or suggestion in Ohsawa of a composition as set forth in Claim 1 comprising a resin which is a *random copolymer* of the recurring units which form the resin. In addition, the Official Action is relying upon the disclosure at Column 15, lines 48-49 of Ohsawa of a resin having a polydispersity of less than 1.5 (Page 4 of the Official Action). Ohsawa, however, discloses that such polymers having low polydispersity "... can be synthesized by living anionic polymerization" (column 15, lines 50-54 of Ohsawa). The use of living anionic copolymerization, however, would not produce a *random copolymer* as set forth in Claim 1. In particular, as disclosed in Matyjaszewski et al., "Handbook of Radical Polymerization", pp. 500-501 (a copy of which was previously provided), even for simple copolymer mixtures, well-defined random copolymers cannot be prepared using anionic procedures, including living anionic polymerization (pp. 500-501 of Matyjaszewski et al.). In view of the above, it is respectfully submitted that the Ohsawa reference, considered as a whole, would lead away from the composition as defined by Claim 1 comprising a resin which is a random copolymer. As set forth in the MPEP, "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions

that would lead away from the claimed invention.” MPEP § 2142.02 VI. Accordingly, it is respectfully submitted that Claim 1 is patentable over the cited references.

Claims 2, 4, 5 and 11 have been canceled. Claims 3, 6-10 and 12-14 depend either directly or indirectly from Claim 1 and are therefore also patentable over the cited references for at least the reasons set forth above with respect to Claim 1.

Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Claim 21 has been added. Claim 21 depends from Claim 1 and is therefore patentable over the cited references for at least the reasons set forth above with respect to Claim 1.

**CONCLUSION**

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MORRIS, MANNING & MARTIN, LLP

October 5, 2009

Date

1333 H Street, N.W., Suite 820  
Washington, D.C. 20005  
Telephone No. (202) 408-5153  
Facsimile No. (202) 408-5146

/Christopher W. Raimund/

Christopher W. Raimund  
Registration No. 47,258

**24728**

Patent & Trademark Office